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Request for Continued Examination (RCE) Transmittal

Address to:
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Application Number	09/922,683
Filing Date	August 7, 2001
First Named Inventor	Heinrich DECKER
Art Unit	1652
Examiner Name	RAO, Manjunath N.
Attorney Docket Number	38005-0152

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 08-1642
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 1610.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Patricia D. Grapados	Registration No. (Attorney/Agent)	33,683
Signature	<i>Patricia D. Grapados</i>	Date	May 25, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	
Signature	
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 38005-0152

Applicant: *Heinrich DECKER*

Appl. No.: 09/922,683

Examiner: RAO, Manjunath

Filing Date: August 7, 2001

Art Unit: 1652

Title: ISOLATION OF THE BIOSYNTHESIS GENES FOR
PSEUDO-OLIGOSACCHARIDES FROM STREPTOMYCES
GLAUDESCENS GLA.O AND THEIR USE

AMENDMENT ACCOMPANIED BY REPLY UNDER 37 C.F.R. 1.114

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants herein respond to the Final Office Action mailed November 25, 2003, a response to which was filed March 24, 2004, with a one month extension of time, and Advisory Action mailed April 8, 2004 (Paper No. 20040405). Accompanied herewith is a timely filed Request for Consideration (RCE) filed under Rule 114. Accordingly, entry of the amendments and consideration of the remarks that follow are requested. In consideration thereof, the Examiner is respectfully urged to withdraw all outstanding rejections and pass the Application to allowance.

A Petition for Extension of Time for the second and third months and the requisite fee is attached. The fee for filing an RCE is included, also. Although Applicants believe that no further fees are required, the

Commissioner is hereby authorized to credit any overpayment or to charge any deficiency to Deposit Account 08-1641.

Please amend the Application as set forth in the Amendments below.